

Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** In November 1982, the Board issued a rule to update the carrier classes that are exempt from filing tariffs under 14 CFR Part 221, and to make it clear that tariff filing for these operations is prohibited. This rule became effective on November 29, 1982.

The rule inadvertently omitted certain charter operations that are exempt from filing tariffs under Part 221, including operations under 14 CFR Parts 207, 208, and 212, which were originally included in 14 CFR 221.3(d). This rule makes clear that those carrier operations are included in 14 CFR 221.3(d).

This editorial amendment is issued under the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for 14 CFR Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. Section 221.3(d) is revised to read:

§ 221.3 Carrier's duty.

(d) *Exemption authority.*

Air carriers and foreign air carriers, both direct and indirect, are exempted from the requirement of section 403 of the Act and any requirement of this chapter to file, and shall not file with the Board, tariffs for operations under the following provisions:

- (1) Part 291, *Domestic Cargo Transportation*, except to the extent noted in § 291.31(a)(1);
- (2) Part 296, *Indirect Air Transportation of Property*;
- (3) Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Association*;
- (4) Part 298, *Exemption for Air Taxi Operations*, except to the extent noted in § 298.11(b);
- (5) Part 380, *Public Charters*;
- (6) Part 207, *Charter Trips and Special Services*;
- (7) Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*;
- (8) Part 212, *Charter Trips by Foreign Air Carriers*.

By the Civil Aeronautics Board.  
Ivars V. Mellups,  
*Acting General Counsel.*

[FR Doc. 83-1243 Filed 1-14-83; 8:45 am]  
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14 CFR Part 389

[Amdt. No. 31; Reg. OR-206]

Fees and Charges for Special Services

AGENCY: Civil Aeronautics Board.

ACTION: Final rule; editorial amendment.

**SUMMARY:** This rule makes an editorial correction in the Board's rules setting forth its revised filing fee schedule. The correction reduces the fee for filing an air taxi registration.

**DATES:**

Effective: January 10, 1983.

Adopted: January 10, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

**SUPPLEMENTARY INFORMATION:** On December 16, 1982, the Board adopted a revised filing fee schedule (OR-204, 48 FR 635, January 6, 1983). That schedule set forth fees to be charged for services performed by the Board primarily for the benefit of private persons. The schedule was effective January 10, 1983.

Because of a technical error the fee for air taxi registration filing was listed as \$12. As shown by the calculations placed in the docket, the fee should be \$8.

This rule changes the fee schedule so that the fee for that filing accurately reflects the cost of performing the service, which is the Board's intent.

List of Subjects in 14 CFR Part 389

Archives and records.

Accordingly, the Board amends 14 CFR Part 389, *Fees and Charges for Special Services*, as follows:

1. The authority for Part 389 is:

Authority: Secs. 204, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 31, 1951, ch. 376, 65 Stat. 268; 31 U.S.C. 483a.

2. Section 389.25 is amended by revising Code 6 to read:

§ 389.25 Schedule of processing fees.

Code	Docu- ment
Interstate and Overseas Air Transportation	
6 Air Taxi Registration	11

By the Civil Aeronautics Board.  
Ivars V. Mellups,  
*Acting General Counsel.*

[FR Doc. 83-1137 Filed 1-14-83; 8:45 am]  
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UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Final rule.

**SUMMARY:** On December 31, 1981, the United States Information Agency (formerly the International Communication Agency) published in the *Federal Register* (46 FR 63322) a proposed rule on establishing criteria for the use of J-1 Visas in the three categories listed below. This final rule establishes criteria for the use of the J-1 Visa in the Exchange-Visitor Program for the following categories: (a) Practical Trainees, (b) Summer Student Travel/Work Programs, and (c) International Camp Counselor Programs. The Exchange-Visitor Program serves to facilitate the international exchange of students, teachers, scholars, and trainees. These categories under the J-1 Visa are described by this regulation to ensure proper adherence to the law by program sponsors who are designated to sponsor aliens classified as exchange visitors.

**EFFECTIVE DATE:** January 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Silvis (202) 724-9896.

**SUPPLEMENTARY INFORMATION:** The International Communication Agency (USICA) assumed from the Department of State overall responsibility for the Exchange-Visitor Program and all related procedures effective April 1, 1978, by Executive Order 12048 of March 27, 1978. Effective August 24, 1982, the Agency's name was changed to the United States Information Agency by the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983, Pub. L. 97-241, Title III. The Exchange-Visitor Program serves as the accrediting authority for both U.S. Government agencies and private organizations to bring students, teachers, scholars, and trainees to the United States. The Exchange-Visitor



Program monitors the host organization's performance to ensure that established criteria are met. This amendment to the present regulations is expected to provide the organization with effective guidelines and criteria with which to administer practical training use of the J-1 Visa.

Two comments were received and reviewed. The comments are summarized as follows:

(1) For all three types of programs described, the regulations should stipulate that the name, address, and telephone number of the employer must appear on item No. 4 of the Form IAP-66 issued by the sponsor to the exchange visitor. That would require the program sponsor to make firm arrangements for employment ahead of time. The proposal as written does not rule out the exchange visitor's entry into the United States to seek employment. Foreigners who could find nothing in their own fields might then look in other fields, for skilled or unskilled jobs, thereby entering an employment market that is already overcrowded. Some might find no work at all and run out of funds. Others might spend a substantial period looking, finding nothing, and return to their home countries in frustration and disappointment, with the objective of international exchange thwarted rather than served.

(2) For practical trainees and Summer Student Travel/Work Programs, reciprocity should be made a strict requirement. In any given calendar year the number of exchange visitors that a sponsor brings in should be limited to the number of U.S. Citizens placed abroad by that sponsor in the preceding calendar year. If the rule does not prevent imbalances, employment opportunities in the United States are likely to be affected.

The Agency has taken these two comments under consideration and determined that both comments should not be included in the final rule for the following reasons:

(1) The reason for rejecting Comment (1) on job arrangements being made ahead of time is that if total reciprocity is achieved, then the number of Americans leaving the United States labor market will be the same as foreigners entering the labor market. This obviates the need for pre-arranged employment.

(2) Comment (2) is redundant for summer student travel/work programs, and is too general to apply to the practical trainee programs.

#### List of Subjects in 22 CFR Part 514

Exchange-visitor program.

#### EO 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: January 7, 1983.

Charles Z. Wick,

Director, United States Information Agency.

#### PART 514—EXCHANGE-VISITOR PROGRAM

22 CFR 514 is amended by adding three new paragraphs (c), (d), and (e) to § 514.13 to read as follows:

##### § 514.13 Sponsor obligations—Specific.

(c) *Practical Trainees.* These criteria govern the designation and monitoring by the United States Information Agency (USIA) of Exchange-Visitor Programs under which foreign nationals are provided with opportunities for on-the-job, practical training in the United States for periods of up to 18 months. These criteria apply to Exchange-Visitor Programs having practical training as the primary purpose and do not apply to practical training opportunities which may, under certain conditions, be authorized for foreign students who have completed the requirements for degrees or certificates at educational institutions in the United States. The primary purpose of practical training programs is to improve the participant's knowledge of American techniques, methodology, and philosophy of the individual's own field of endeavor and to enhance the participant's skills through active participation in the day-to-day operations at the training location. It is also designed to enable the exchange visitor to observe and participate in American life and, if applicable, to improve his or her English language competency. Another prime purpose is to improve American knowledge of a foreign culture by providing the opportunity for an open interchange of ideas between the trainees and their American counterparts.

(1) *Selection.* The Exchange-Visitor Program sponsor must assume full responsibility for the selection of trainees, regardless of the extent to which cooperating organizations in other countries may be involved. Professional recruiters, as well as employment or travel agencies, either in the United States or abroad, shall not be used for the recruitment, screening, or selection of trainees or prospective trainees. The sponsor shall secure sufficiently detailed background data on the individual's education and previous practical training and/or work experience to be able to ensure that the practical training experience in the United States is suitable and appropriate for the individual's level of career development. Trainees must have sufficient knowledge of English to enable them to function in the English speaking environment, both during the normal work period and non-working hours. Selection procedures should ensure that the trainee is medically qualified to perform the specific duties to be assigned.

(2) *Content of Training Assignments and Related Activities.* Practical training is intended to provide the individual with a "real life" experience in the conduct of his or her field of endeavor as normally practiced in the United States. As such, the normal or standard number of working hours per week for the particular business or industry must be observed. Suitable training may include one or more of the following: (i) Rotation through several departments; (ii) concentration in a single department; (iii) special projects; (iv) rotation followed by projects; (v) participation in an employer's regularly scheduled training program; or (vi) a special program determined after the trainee's arrival. Related activities which support the practical training experience such as attendance at conferences or conventions, participation in short courses, or enrollment in English language improvement courses may be appropriate in specific individual cases. Such related activities must be clearly secondary to, and supportive of, the practical training experience. The content of the practical training assignment and any related activities must be suitable and appropriate to the individual's level of educational attainment and previous practical training and/or work experience. The future employment and career development of the individual should also be considered in designing the practical training experience.



(3) *Orientation.* The sponsor shall be responsible for providing each participant (and each employer, if appropriate) with orientation which is suitable to the nature and length of the training assignment. This orientation should clearly indicate: (i) The purposes of the program; (ii) the role of the sponsor; (iii) the explanation that the participant is being admitted on a temporary non-immigrant visa and that he or she must depart from the United States at the conclusion of the training assignment; (iv) the procedures to be followed in the event of an emergency; and (v) the details, to the extent they apply, on matters such as the individual's tax liability, procedures for securing of a Social Security Number, securing of a driver's license, etc. Where possible, orientation for individual participants should also include basic information about the United States, the city or state in which the participant will be assigned, the practice of the individual's field of endeavor in the United States, and any other information which would help to make the individual's experience while in the United States professionally rewarding and personally enriching.

(4) *Interaction with Americans.* The sponsor shall assist and encourage trainees to seek maximum interaction with American citizens during the training period. Subject to limitations imposed by geographic location, length and/or nature of the training assignment, interaction should be encouraged with groups such as families, professional societies, trade unions, educational institutions, service clubs, etc.

(5) *Financial Responsibility.* All materials provided to program participants must clearly state the amount(s) to be paid to the trainee by the employer, and additional amount(s) to be paid by the designated program sponsor, and the costs which the trainee is expected to cover personally. Such information should include estimated cost of living in the area where the participant will work. The amount paid to the participant by the employer should be comparable to that paid to other individuals having similar education and previous work experience. In all cases, at least the prevailing minimum wage as determined by the United States Department of Labor must be paid to the participant by the employer. Payment in kind (housing, meals, etc.) may be used to supplement the prevailing minimum wage, but may not be used in lieu of payment of the minimum wage. Payment on the basis of commissions and similar forms of

variable amount wages may be used only to the extent that such payments exceed the prevailing minimum wage. If payments are to be made by third parties (i.e., parents, schools, sponsors, government or international organization agencies, etc.) in lieu of payment by the employer, the Exchange-Visitor Program Designation Division (E/XE), United States Information Agency, Washington, D.C. 20547, must be notified in writing to enable the Agency to determine the suitability of such payments.

(6) *Health and Accident Insurance.* Sponsors shall ensure that every participant and any accompanying dependents have health and accident insurance coverage from the time of departure from home until the participant returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for the participant.

(B) By health and accident insurance coverage arranged for by the sponsor.

(7) *Evaluation.* To assure quality control of the training experience, the sponsor shall develop procedures for the on-going evaluation of each training assignment. Such evaluation should include, as a minimum, evaluation reports from the trainee and the immediate supervisor at the end of the training period. Mid-point reports (verbal or written) should also be used for training assignments of one year or more.

(8) *Dependents.* As a general rule, trainees shall be permitted to have their spouse and dependent children accompany them to the United States and the sponsor may document such dependents for J-2 status. All such dependents must be covered by health and accident insurance.

(9) *Limitation on Duration of Stay.* As specified in Section 514.23(a)(1)(vii) of these regulations, the maximum length of stay for practical training employment shall not exceed 18 months total for any one individual, except as specifically approved by USIA under highly unusual circumstances. Such limitation shall apply regardless of the number of Exchange-Visitor Programs in which the individual participates.

(10) *Reciprocity.* As a general principle, each program sponsor shall be expected to seek, as feasible, reciprocal practical training or work experience in other countries for American citizens,

either directly or through cooperating agencies, organizations, or institutions abroad. Ideally, the number of placement opportunities for Americans in other countries should be approximately equal to the number of foreign trainees placed in the United States. The Exchange-Visitor Program Designation Division, United States Information Agency, will review the sponsor's program annually to assure compliance with this objective.

(11) *Reports.* Designated sponsors shall furnish the Exchange-Visitor Program Designation Division, United States Information Agency, with an annual report at the end of each calendar year of the close of such other yearly reporting period as may be agreed upon. The annual report shall include: (i) Statistical data on foreign trainees placed in the United States and, where applicable, on American trainees placed in other countries; (ii) a brief evaluation report of the effectiveness of the program for the year including a description of standards and methods used in the evaluation process; and (iii) specific examples of program accomplishments over a long-range period. Copies or descriptions of program materials such as information folders, orientation data, general publications, evaluation forms, etc. may be appended to the report to verify compliance with criteria stated above. Organizations which have been granted tax-exempt status under the provisions of Section 501(c)(3) of the Internal Revenue Code shall also submit a copy of the Form 990 report most recently filed with the Internal Revenue Service.

(12) *Suspension or Revocation of Exchange-Visitor Program Designation.* Designated sponsors found to be in violation of the above criteria are subject to having program designations suspended or revoked in accordance with Section 514.17 of these regulations.

(d) *Summer Student Travel/Work Program.* The following criteria apply to United States organizations which have been designated by the United States Information Agency (USIA) to administer Summer Student Travel/Work Programs. These programs are designed to achieve the educational objectives of international exchange by involving students during their summer vacations directly in the daily life of the host country through temporary employment opportunities. The criteria require program sponsors to promote the exchange of United States and foreign students on a reciprocal basis thereby assuring that the operation of such programs will not have an adverse impact on labor opportunities for United



States youth in the 18-23 year age bracket.

(1) *Selection.* The selection will be limited to *bona fide* university students screened for maturity and ability to get maximum benefit from Summer Travel/Work Programs. Priority consideration will be given to students who do not live in close proximity to the United States who would not be able to visit this country if temporary work permission were not authorized to help defray their travel expenses.

(2) *Orientation.* All students shall be provided with orientation, both pre-departure and upon arrival in the United States. The orientation should be designed to give the students a good basic knowledge of our country and its people. Students should be fully informed of the nature of the program in which they are participating. They should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the number of the Exchange-Visitor Program in which they are participating. In addition, orientation should cover proper methods of obtaining and holding a job and the customary practices of giving employers adequate advance notice of resignation. Students should be fully briefed on the employment situation in the United States and advised not to seek employment in areas where a high unemployment situation exists.

(3) *Supervision.* Sponsors must be prepared to help their students at any time they have a medical, personal, employment, or other type of problem.

(4) *Jobs.* Each student sponsored on such a program must have a prearranged job before he or she comes to the United States, or firm appointments with prospective employers, or have sufficient personal funds so as to be financially independent if not employed.

(5) *United States Employment.* Sponsors are required to check in advance with the Department of Labor to obtain information regarding areas or cities which have a high unemployment rate. Students should be advised to avoid such areas in seeking employment.

(6) *Financial Responsibility.* Sponsors are required to ensure that all participants return home at no charge to the United States Government.

(7) *Health and Accident Insurance.* Sponsors shall ensure that every student has health and accident insurance coverage from the time of departure from home until the student returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury

or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for by the student.

(B) By health and accident insurance coverage arranged for by the sponsor.

(8) *Geographical Distribution.* Sponsors shall develop plans to ensure that groups of students, especially those of the same nationality, are not "clustered" in certain areas or cities. Every effort should be made to have the students widely dispersed throughout the country.

(9) *Arrival Time.* Students for whom the sponsors have arranged "preplacement" for jobs can begin their programs at any time. Travel for students who have not been "preplaced" should be delayed by the sponsors as late as possible, preferably after June 15. Such delayed travel will give American students who are interested in obtaining summer jobs from two to four weeks in a less competitive market.

(10) *Reciprocity.* Sponsors are required to administer Student Travel/Work Programs on a reciprocal basis. The number of foreign students a sponsor brings to the United States under this program shall not exceed, in any calendar year, the number of American students who were sent abroad by the sponsor on a Travel/Work Program. Should a sponsor fail in the realization of reciprocity in any given calendar year, the Agency may restrict the number of foreign students that the sponsor brings to the United States in the next calendar year to the number sent abroad by the sponsor in the preceding calendar year.

(11) *Report Requirement.* Sponsors are required to submit an annual report, not later than January 31, on the United States students who were sent abroad the previous calendar year under Travel/Work Programs. The report should contain the following information: name and United States address of the student, the country where the student was employed, name of employer and type of business, and the type and length of employment (dates). The report should also include an ongoing evaluation of both the incoming program for foreign students and the outgoing program for American students. Major problems encountered in the administration of the program should also be listed. Failure to submit the report by January 31 will result in the automatic suspension of the program. The program will not be reactivated until the report is received

by USIA and the sponsor notified that suspension has been lifted.

(12) *Unauthorized Activities.* Employment as servants, mother's helpers, *au pair* or other jobs of a domestic nature in private homes is not authorized. Employment must be of a commercial or industrial nature. Also, employment as a Camp Counselor is not authorized under the Travel/Work Program. All such unauthorized placements will be removed from the count of United States placements abroad which could reduce the number of foreign students which the sponsor will be permitted to bring into the United States during the following year.

(e) *International Camp Counselor Program.* These criteria apply to the designation and monitoring by the United States Information Agency (USIA) of Exchange-Visitor Programs which are designed to give carefully selected International Camp Counselors an opportunity to spend approximately eight (8) weeks at an American camp imparting appropriate skills to American youth concluding with an optional one to three week period to tour the United States. The principal purpose of these programs bringing International Counselors to serve in American summer camps is to improve American knowledge of a foreign culture and to allow the youth at camps throughout the United States to experience international understanding on a personal basis. A secondary purpose is to improve the foreign camp counselor's knowledge of American culture and language skills through active participation in every facet of camping life.

(1) *Selection.* The designated sponsoring organization must assume responsibility for the selection of international counselors to participate in these programs. As a general rule, individuals who have already served once as a Camp Counselor should not be selected again. The intent of this program is principally one of cultural exchange and is intended to give as many foreign camp counselors as possible an opportunity to visit the United States. Sponsoring organizations must have strong supporting documentation justifying the necessity for selecting an individual who has already once served as counselor. Prospective participants should be individually interviewed by a representative of the sponsoring organization. The interviewer's report should be provided for the camp director's review. Each participant should submit a reference from a teacher or employer to the sponsoring



organization, a copy of which should be made available to the Camp Director. All participants must be fluent in English and be at least 18 years of age upon departure from their home country. The sponsor is responsible for handling the arrival of the counselors, completing transportation arrangements and directing them to their assigned camp.

(2) *Orientation.* Orientation, both pre-departure and upon arrival in the United States, shall be provided to all counselors. The orientation should be designed to give the counselors a good basic knowledge of the United States, its people, and a description of the varieties of American camps. It should provide clear descriptions of the roles and responsibilities of camp counselors and camp specialists, as well as the contractual obligations between the sponsoring organization, camp, and counselor.

Counselors should be fully informed of the nature of the programs in which they are participating. Each should be given a general orientation manual by the sponsor and descriptive information about their assigned camp. They should participate in a training session conducted by the sponsoring organization and a pre-camp training session sponsored by the cooperating camp. The camp or the sponsor must provide the counselors a detailed job description and a copy of these guidelines at the beginning of this pre-camp training session. Counselors should be provided with an identification card which includes the name and phone number of an official of the sponsoring organization as well as the name and number of the Exchange-Visitor Program in which they are participating. It should contain the counselor's name and home address as well as the cooperating camp's name, address, telephone number and name of the camp director.

(3) *Health and Accident Insurance.* Sponsors shall ensure that every participant has health and accident insurance coverage from the time of departure from home until the participant returns to his or her home country. Minimum acceptable insurance is: (i) Medical and accident coverage up to \$2,000 per injury or illness and (ii) preparation and transportation of remains to home country (at least \$2,000). Coverage may be provided in one of the following ways:

(A) By health and accident coverage arranged for by the participant.

(B) By health and accident insurance coverage arranged for by the sponsor.

(4) *Geographical Distribution.*

Sponsors shall develop plans to ensure that groups of counselors, especially

those of the same nationality, are not "clustered" in the same camps in certain areas. Every effort should be made to have the international counselors widely dispersed throughout the country. As a general rule, not more than 10 percent of the total number of counselors at a camp should be international counselors, nor should there be more than two international counselors of the same nationality at one camp. An exception to this requirement will be made by USIA for camps which have specific ethnic, language or nationality programming as a prime or principal programming concept.

(5) *Supervision.* The sponsor must assume the responsibility of resolving problems including, if necessary, finding a replacement camp position for counselors whose original assignment does not work out, and the early return home of the counselors because of personal or family difficulties. The sponsor must provide both the cooperating camp and the counselor with the names and telephone numbers of officials of the sponsoring organization who can be contacted at any time in case of an emergency or other problems. The sponsoring organization should have offices or personnel available both in the United States and abroad for this purpose. All counselors must have a prearranged camp assignment before their departure for the United States. Participants may be placed only in counseling positions. The intent of this program is principally one of cultural exchange and not one intended for staffing purposes or to provide an inexpensive labor pool. Therefore, participants may not be placed in office or kitchen or custodial jobs or other jobs which are basically menial labor. Sponsors must make every effort to assure that individual counselors are placed with the particular camp which seems to promise the greatest compatibility for the counselor and the camp. Such arrangements should be made well in advance so that the prospective counselors and camp directors will have ample time for correspondence before the counselors leave their home country. Sponsoring organizations must notify participants of their camp placement at least five weeks prior to their departure for the United States. Cooperating camps should be given the background data and arrival information of the participants at least five weeks prior to their arrival in the United States. The sponsoring organization should have a representative visit and inspect as many camps as possible where their exchange visitors are placed. It is important that the cooperating camps guarantee that

when an international counselor drives a motor vehicle in connection with assigned duties that the state laws are being met and that there is sufficient insurance coverage. International counselors should be allowed at least 24 hours off each two weeks (with at least 12 hours continuous). International counselors must be able to leave camp on day(s) off and the camp should assist the counselors with accessible, affordable transportation to and from the nearest town.

(6) *Financial Responsibility.* Sponsors must ensure that all participants will return home at no charge to the U.S. Government. Sponsors are required to have available for review by USIA an audited annual financial statement of sponsor operations. The financial statement should include an itemized list of the salaries of the officers of the organization.

(7) *Evaluation Reports.* Sponsors will furnish USIA an evaluation report of their programs at the end of each camping year (no later than November 1). Reports should include but not be limited to: (i) Number of participants and countries of origin; (ii) geographic distribution of counselors within the United States, by State; (iii) noteworthy achievements or major problems or difficulties encountered; (iv) details regarding the extent to which the sponsor has evaluated the success of the program including specific examples of how counselors enhance the knowledge of Americans about other lands and other people and vice versa; and (v) names and addresses of persons and organizations in the United States and abroad assisting in the administration of the program. The annual evaluation report should also include copies of the program materials (forms, instruction sheets, publications, information folders, etc.) and a copy of the health and accident insurance policy provided for the counselor. The copy of the health and accident insurance policy must be included every year. Other materials once provided need not be duplicated. Only new or updated materials need be included in the annual report in ensuing years.

(8) *Post Camp Cultural Experience.* Every international counselor should be given an opportunity to participate in at least a two week cultural experience at the end of his or her camp assignment. This experience can be accomplished either: (i) By a group tour arranged by the sponsoring organization or (ii) by independent travel preferably with a small group of fellow international counselors or American friends. The international counselor who plans



independent travel should send a proposed itinerary to the sponsoring organization so that the counselor can be contacted in case of an emergency.

(9) *Departure.* Program sponsors are required to take all necessary action to ensure the departure of the participants at the conclusion of their authorized stay. The Immigration and Naturalization Service must be notified of any Camp Counselor who fails to depart the United States on schedule.

(Sec. 4, 63 Stat. 111; secs. 102, 109 (a), (b), (d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(j), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452; (8 U.S.C. 1101(a)(15)(j), 1104(a), 1182(e), 1258); Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978; the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983, Pub. L. 97-241, Title III, August 24, 1982)

[FR Doc. 83-1375 Filed 1-14-83; 8:45 am]

BILLING CODE 8330-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 635

[FHWA Docket No. 83-2]

#### Contract Procedures; Buy America Requirements

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Interim final rule; request or comments.

**SUMMARY:** This emergency regulation revises the existing Buy America regulation to implement procedures required by section 165 of the Surface Transportation Assistance Act of 1982 (STAA of 1982). Section 165 provides, with exceptions, that funds authorized by the STAA of 1982, title 23 of the United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 may not be obligated for highway projects unless steel, cement, and manufactured products used in such projects are produced in the United States. In addition, the Administrator has determined that it is in the public interest to temporarily waive the provisions of section 165 as they apply to manufactured products other than steel and cement as well as to projects costing under \$450,000. The FHWA is specifically requesting comments on these waived provisions.

**DATE:** This interim final rule is effective January 6, 1983, and will expire September 30, 1983. Comments must be received on or before July 1, 1983.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 83-2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

#### FOR FURTHER INFORMATION CONTACT:

Mr. P. E. Cunningham, Chief, Construction and Maintenance Division, (202) 426-0392, or Ms. Ruth R. Johnson, Office of the Chief Counsel (202) 426-0781, Federal Highway Administration, 400 Seventh Street, SW., Washington D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 165 sets forth revised Buy America requirements which supercede the previous requirements contained in Section 401 of the 1978 Surface Transportation Assistance Act. Since the former Buy America provisions as implemented in 23 CFR 635.410, Subpart D are in conflict with the provisions of the STAA of 1982, immediate revision of this regulation is required.

One major change is the requirement that all steel, cement and manufactured products must be produced in the United States. The legislative language also requires Buy America to apply to all projects as opposed to current provisions which only apply to projects costing more than \$500,000. The STAA of 1982 also permits States to impose more stringent requirements than are imposed by section 165 and revises the total contract cost differential permitting the use of foreign materials from 10 percent to 25 percent.

For these reasons, it has been determined that circumstances warrant the issuance of an emergency regulation so as to immediately implement the new Buy America provisions. In addition, the Federal Highway Administration (FHWA) has determined that it is in the public interest and not inconsistent with legislative intent to temporarily waive the provisions of section 165 as they apply to manufactured products other than cement and steel and to projects estimated to cost less than \$450,000. This determination is based on the fact that sufficient information is not yet available in order to adequately assess the impacts of applying Buy America

provisions to all manufactured products and to all projects regardless of project cost. For example, requiring all manufactured products to be produced in the United States would necessitate tracing the source of crude oil and other components used in asphalt, fuels, and other petroleum based materials. Based on available research data the origin of crude oil in products is extremely difficult to trace. For this reason, a docket for comments has been assigned to this regulation and the public is invited to submit their views or comments on these provisions. The FHWA is particularly interested in receiving comments on the following items: treatment of components, prestressing strand, threshold for applicability, coverage of all manufactured products, current implementing procedures and future revisions to 23 CFR Part 635, Subpart D. It is the intention of the FHWA to formulate additional rulemaking actions after sufficient information is collected and considered.

#### Discussion of Revisions

A summary of the revisions to the existing provisions in 23 CFR 635.410 is as follows:

(1) The STAA of 1982 requires that all steel, cement, and manufactured products in a project must be produced in the United States. At this time, the provisions will only apply to steel and cement materials. All manufacturing processes for these materials must occur in the United States. Previous provisions applied only to structural steel and a determination of foreign or domestic character was based upon the place of manufacture and on the origin of more than 50 percent of the components.

(2) Foreign steel or cement materials may not be incorporated in a Federal-aid highway construction project unless the use of domestic materials would increase the overall project cost by 25 percent or more. Previous provisions required a minimum cost differential of 10 percent.

(3) Alternate bid provisions were provided for in the previous regulation as a method to determine the cost differential for using foreign or domestic material. The provisions were to be utilized for all projects containing structural steel. Since alternate bid provisions could still be required for projects containing significant amounts of structural steel, the definition of structural steel has been updated to comply with terminology currently utilized by the steel industry.

(4) Alternate bidding procedures used for comparing domestic and foreign



materials in project bids will no longer be required for projects containing small amounts of structural steel. Since the overall project cost differential is now 25 percent, only projects in which these items would constitute at least 60 percent of the project's total estimated cost will be subject to alternate bid requirements. It would be highly unlikely that a project, with less than this percentage in structural steel items, will have a cost differential equal to or greater than 25 percent of the total project cost. Alternate bid requirements for other steel or cement products are not required but may be applied on a project-by-project basis if circumstances warrant. It is FHWA's intention to minimize administrative burdens by requiring alternate bid procedures only for projects where foreign sources may truly compete under the terms of the STAA of 1982.

(5) When domestic cement and steel materials are otherwise required, the requirements do not prevent a minimal use of foreign materials, provided the cost of materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. This will eliminate an administrative burden placed on the States for truly minor items.

(6) Individual State Buy America provisions, regardless of the implementation date, that are as stringent or more stringent than provisions in the STAA of 1982 will now be acceptable for use on Federal-aid projects. Previously, only those acceptable State provisions in effect prior to November 6, 1978, were permitted.

(7) Previous requirements which apply Buy America to all Federal-aid highway construction projects estimated to cost over \$450,000 will be retained.

The Federal Highway Administrator has determined that this document responds to an emergency situation, and for the reasons stated, it is impracticable for the agency to follow the procedures of Executive Order 12291, the Regulatory Flexibility Act, and the regulatory policies and procedures of the Department of Transportation. Therefore, good cause exists for publication as a final rule without notice and opportunity for comment and without a 30-day delay in effective date.

The FHWA will prepare, as soon as practicable, a regulatory evaluation/regulatory flexibility analysis. The evaluation will be placed in the public docket for inspection. When available, copies may be obtained by contacting Mr. P. E. Cunningham at the address provided above under the heading "For

#### Further Information Contact."

In consideration of the foregoing, and under the authority of 23 U.S.C. 315; Section 165, Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097, and 49 CFR 1.48(b), the FHWA is amending Part 635, Subpart D of title 23, Code of Federal Regulations to read as set forth below:

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs apply to this program)

#### List of Subjects in 23 CFR Part 635

Buy America, Government contracts, Grant programs—transportation, Highways and roads.

Issued on: January 12, 1983.

Richard B. Robertson,

Acting Administrator for Planning and Policy Development, Federal Highway Administration.

#### PART 635—CONSTRUCTION AND MAINTENANCE

##### § 635.410 [Amended]

1. In § 635.410, paragraphs (b) (2), (3), and (4) are revised to read as follows:

\* \* \*

(b) \* \* \*

(2) The project includes no permanently incorporated steel or cement materials. If cement or steel materials are to be used, all manufacturing processes for these materials must occur in the United States;

(3) The project is undertaken pursuant to 23 U.S.C. 117 and the State's laws, regulations, directives, and standards are adequate to accomplish the policies and objectives of section 165 of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097;

(4) The State has standard contract provisions that favor the use of domestic materials and products, including cement and steel materials, to the same or a greater extent than the provisions here set forth:

\* \* \*

2. In § 635.410, paragraph (b)(5) is amended by revising the first sentence, by adding the definition of structural steel, by changing the figure "10 percent" to read as "25 percent," and by removing the last sentence. As revised, § 635.410(b)(5) reads as follows:

\* \* \*

(b) \* \* \*

(5) A bidding procedure described as follows is used for those projects which

contain an amount of structural steel equal in cost to at least 60 percent of the total project estimated cost. Structural steel is defined as steel sheet piling, H-piling, shell or pipe piling, W, M, S, or Z shapes, plates, channels, angles, and/or T-sections. A separate bid item is to be set up for furnishing structural steel to the project site. For this bid item, bidders are to be given the options of submitting a bid for (i) furnishing domestic structural steel, or (ii) submitting a bid for furnishing domestic steel and a bid for furnishing foreign steel. Bidders are to be advised that the contract will be awarded to the bidder who submits the lowest total bid based on furnishing domestic structural steel unless such total bid exceeds the lowest total bid based on furnishing foreign structural steel by more than 25 percent; or

\* \* \*

3. In § 635.410, add a new paragraph (b)(6) to read as follows:

\* \* \*

(b) \* \* \*

(6) When domestic cement and steel materials are otherwise required, the requirements do not prevent a minimal use of foreign materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater.

\* \* \*

4. In § 635.410, paragraph (c) is amended by revising the effective date to read as "January 6, 1983 and terminates September 30, 1983."

5. In § 635.410, paragraph (d)(1) is amended by revising the introductory text and paragraph (d)(2) is amended by adding a sentence at the end of the paragraph to read as follows:

\* \* \*

(d)(1) A State may request a waiver of the provisions of section 165 of the Surface Transportation Assistance Act of 1982 if:

(i) \* \* \*

(ii) \* \* \*

(2) \* \* \*. The RFHWA will have approval authority on the request.

\* \* \*

6. The authority citation for § 635.410 is amended to read as follows:

(23 U.S.C. 315; section 165, Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097; 49 CFR 1.48(b))

[FR Doc. 83-1236 Filed 1-14-83; 8:45 am]

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